

# DECLARATION Utility Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **TRAY FOR SELECTABLY HEATING OR COOLING THE CONTENTS OF THE TRAY**, the specification of which

(Check One) ☒ is attached hereto.  
☐ was filed on \_\_\_\_\_ and was assigned United States Application Serial No. \_\_\_\_\_ or PCT Application No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign<br>Application Number(s) | Country | Date of Filing | Priority Claimed |    |
|--|---------|----------------|------------------|----|
|  |         |                | Yes              | No |
|  |         |                |                  |    |

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

| Application Number(s) | Filing Date |
|-----------------------|-------------|
|                       |             |

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| U.S. Parent<br>Application Number | PCT Parent Number | Parent Filing Date | Status-Patented,<br>Pending or<br>Abandoned |
|-----------------------------------|-------------------|--------------------|---|
|                                   |                   |                    |   |

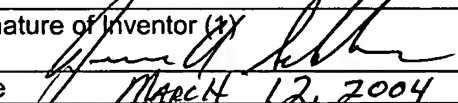
|  |                           |                              |   |   |                          |
|--|---------------------------|------------------------------|---|---|--------------------------|
|  | FULL NAME OF INVENTOR (1) | FIRST Name<br><b>James</b>   | MIDDLE Initial<br><b>A.</b>                   | LAST Name<br><b>Scudder</b>             |                          |
|  | RESIDENCE & CITIZENSHIP   | City<br><b>Poway</b>         | State or Foreign Country<br><b>California</b> | Country of Citizenship<br><b>U.S.A.</b> |                          |
|  | POST OFFICE ADDRESS       | <b>15968 Grey Stone Road</b> | City<br><b>Poway</b>                          | State or Country<br><b>California</b>   | Zip Code<br><b>92964</b> |

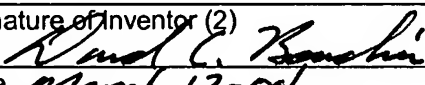
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|  | FULL NAME OF INVENTOR (2) | FIRST Name<br><b>David</b>   | MIDDLE Initial<br><b>C.</b>                   | LAST Name<br><b>Boucher</b>             |                          |
|  | RESIDENCE & CITIZENSHIP   | City<br><b>San Diego</b>     | State or Foreign Country<br><b>California</b> | Country of Citizenship<br><b>U.S.A.</b> |                          |
|  | POST OFFICE ADDRESS       | <b>1844 Washington Place</b> | City<br><b>San Diego</b>                      | State or Country<br><b>California</b>   | Zip Code<br><b>92103</b> |

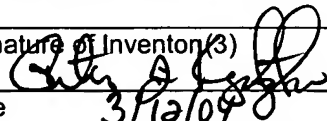
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|--|---------------------------|----------------------------|---|---|--------------------------|
|  | FULL NAME OF INVENTOR (3) | FIRST Name<br><b>Peter</b> | MIDDLE Initial<br><b>J.</b>                   | LAST Name<br><b>Kapitzke</b>            |                          |
|  | RESIDENCE & CITIZENSHIP   | City<br><b>Poway</b>       | State or Foreign Country<br><b>California</b> | Country of Citizenship<br><b>U.S.A.</b> |                          |
|  | POST OFFICE ADDRESS       | <b>12245 Witt Road</b>     | City<br><b>Poway</b>                          | State or Country<br><b>California</b>   | Zip Code<br><b>92064</b> |

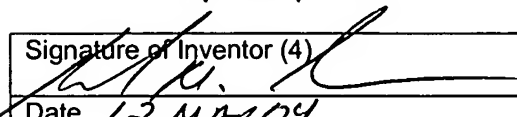
|  |                           |                              |   |   |                          |
|--|---------------------------|------------------------------|---|---|--------------------------|
|  | FULL NAME OF INVENTOR (4) | FIRST Name<br><b>Kenneth</b> | MIDDLE Initial<br><b>M.</b>                   | LAST Name<br><b>Sanderman</b>           |                          |
|  | RESIDENCE & CITIZENSHIP   | City<br><b>Lakeside</b>      | State or Foreign Country<br><b>California</b> | Country of Citizenship<br><b>U.S.A.</b> |                          |
|  | POST OFFICE ADDRESS       | <b>9719 Caraway Ct.</b>      | City<br><b>San Diego</b>                      | State or Country<br><b>California</b>   | Zip Code<br><b>92040</b> |

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

|                           |   |
|---------------------------|---|
| Signature of Inventor (1) |  |
| Date                      | <b>MARCH 12, 2004</b>   |

|                           |   |
|---------------------------|---|
| Signature of Inventor (2) |  |
| Date                      | <b>MARCH 12-04</b>  |

|                           |   |
|---------------------------|---|
| Signature of Inventor (3) |  |
| Date                      | <b>3/12/04</b>  |

|                           |   |
|---------------------------|---|
| Signature of Inventor (4) |  |
| Date                      | <b>12 MAR 04</b>  |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|  |   |                                      |
|--|---|--------------------------------------|
| <b>In re Application of:</b> James A. Scudder, et al.                | ) | <b>Group Art Unit:</b> Not Yet Known |
| <b>Serial No.:</b> N/A   | ) | <b>Examiner:</b> Not Yet Known       |
| <b>Filed:</b> N/A  | ) |                                      |
| <b>Title:</b> TRAY FOR SELECTABLY HEATING<br>OR COOLING THE CONTENTS | ) |                                      |

**POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST  
AND REVOCATION OF PRIOR POWERS**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

I, **James Scudder**, Chief Operating Officer of Ontech LLC, the Assignee of the entire interest of the above-identified application, hereby revoke all powers of attorney previously given, if any, and appoint the following registered patent attorneys, who are all licensed to practice law in the State of California, to prosecute and transact all business in the Patent and Trademark Office connected with the above-identified application:

James K. Sakaguchi Reg. No. 41,085  
Neal M. Cohen Reg. No. 41,683

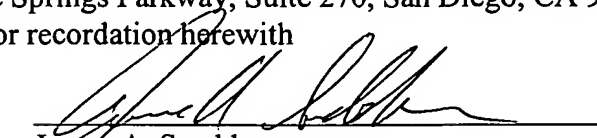
Please address all future correspondence to Mr. Sakaguchi at the following address:

James Sakaguchi  
Customer No. 23,410

Ontech LLC is the owner of this application by reason of an assignment which is being filed herewith for recordation. In conformance with 37 CFR § 3.73(b), I hereby certify that all documents in connection with the chain of title have been reviewed, and to the best of my knowledge all right, title and interest is in Ontech LLC, the above-identified Assignee.

|                       |   |
|-----------------------|---|
| Assignee of interest: | Ontech LLC  |
| Address:              | 13400 Sabre Springs Parkway, Suite 270, San Diego, CA 92128 |
| Recorded in PTO:      | Submitted for recordation herewith                          |

Date: MARCH 12, 2004

  
James A. Scudder  
COO, Ontech LLC